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***Construction Industry News from City Hall***

*Superintendent of Central Inspection  
Kurt Schroeder*

## Permits over the Internet (update)

Beginning the weekend of April 4<sup>th</sup> – 6<sup>th</sup>, 2003, the Office of Central Inspection will begin a series of information technology upgrades and enhancements.

In the first step, OCI will be implementing a major upgrade to its current automated tracking system for plan review, permit issuance and inspection scheduling. At the same time, OCI will be upgrading its automated “interactive telephone voice response system”, currently called TELUS. These changes are scheduled for the weekend of April 4<sup>th</sup> through April 6<sup>th</sup>, and perhaps extending into Monday April 7<sup>th</sup>. Many of you will soon receive, or may have already received, a separate mailer providing more detail about this.

The above upgrades will allow OCI to proceed with implementation of on-line permitting over the Internet (some simple permits such as roofing/siding, single family remodeling, many trade permits, etc.), inspection scheduling, and permit and/or inspection status reviews. We also hope to make available on-line permit reports and standard forms. Further, we hope to make on-line payment for permits an option, if not in the initial phase, in a later phase. Phase I implementation is scheduled to occur in the late second quarter or the third quarter of 2003. We will be working with representatives of the construction industry in the design and testing of the new system.

Later phases of the Internet system will hopefully include the ability to submit and issue permits for residential additions and new construction (including simple site plans), contractor/certificate license renewals, and status review of recently approved or pending Metropolitan Area Planning Department cases.

We will keep you posted on our progress.

**Kurt Schroeder, Superintendent of Central Inspection**

# Upcoming Changes to Storm Water Quality Program

(NOTE: This is a reprint of an article published in CINCH in early December 2002)

In the early 1990's, Phase I of EPA's storm water quality regulations went into effect. This phase of the storm water program required municipalities over 100,000 in population to obtain an NPDES storm water discharge permit and implement storm water management programs. Phase I also required owners and operators of construction sites that would disturb 5 acres or more of land to obtain a federal/state storm water discharge permit prior to the beginning of construction.

Beginning on March 10, 2003, Phase II of the storm water regulations took effect. The Phase II program will impact many small communities and political jurisdiction, including all of those located within the Wichita metropolitan area. The impacted communities will be required to obtain discharge permits and implement storm water management programs as the Phase I communities have been required to do, including construction site erosion control. In addition, the Phase II regulations require that the owners and contractors working on construction sites disturbing more than 1 acre of ground obtain a federal/state storm water discharge permit. For the smaller construction sites between 1 acres and 5 acres in size, it may be possible to obtain a waiver from the Kansas Department of Health and Environment depending on construction site location and the time of year the construction will take place. The Phase II rules allows permitting authorities to waive the NPDES permit requirements for these smaller sites if the value of the rainfall erosivity factor is less than 5 during the period of construction activity. There is an Erosivity Index Calculator located on the Internet at <http://srph.brc.tamus.edu/epa/>. This is an unofficial calculator but should provide the user a general idea on whether or not a particular project will require a permit. For more information on the Erosivity Factor, see EPA Rainfall Erosivity Waiver Fact Sheet 3.1 (EPA-833-F-00-014).

The City of Wichita, Storm Water Management Office has discussed with KDHE the possibility of simplifying the waiver requirements for construction projects in Sedgwick County. So far, the only thing that we have determined is that only very short-term construction projects during the winter months might be eligible for the waiver. By in large, most construction projects will require a permit. Owners, developers, engineers, architects and others involved in the construction process should start planning for these additional permit requirements. If you have any questions, you can contact the City's Storm Water Management Office at 268-4498.

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## Enforcement of Ordinance Requirement for Main Sewer in Lieu of Special Assessments

The City of Wichita will begin enforcement of an ordinance (16.04.040 of the City Code) which sets forth fees in lieu of special assessment charges for properties served by main sewer lines that have not been part of a special assessment benefit district. This ordinance was enacted several years ago. Only recently has the records system (utilizing GIS) enabled staff to readily identify properties that should be appropriately charged under the ordinance.

**Effective April 14, 2003**, all properties for which building permits are being applied for which are identified as having not been a part of a main sewer special assessment benefit district will be charged in lieu of special assessment fees. The charges set forth by the City Engineer and the Director of Water & Sewer are five cents per square foot, or roughly \$500 for an average residential lot.

Questions as to whether or not individual properties will need to pay these charges should be addressed to the Office of Central Inspection.

# 2002 National Electrical Code Adopted

The National Electrical Code, published by the National Fire Protection Association (NFPA), is revised and updated every three years in order to keep current with changing industry standards, practices, new materials, improved safety products, and installation techniques. The 2002 edition of the NEC is the latest and most current edition and the most widely adopted set of electrical safety requirements in the world. Presently the City of Wichita is enforcing the 1999 edition.

The Board of Electrical Appeals reviewed the 2002 National Electrical Code with Office of Central Inspection staff since February of 2002. They solicited input from various electrical trade organizations and other interested individuals and a public hearing was held on August 27, 2002. At the September 10, 2002, Board meeting, the Board voted unanimously to recommend to City Council that the 2002 edition of the National Electrical Code be adopted (by reference in Title 19) as the electrical wiring standard for the City of Wichita.

City Council approved adoption of the 2002 NEC at their March 18, 2003 meeting, with the provision the ordinance be amended to exclude Section 210-12 of the 2002 NEC. This new section of the NEC requires that all new branch circuits installed that supply 125-volt, single-phase, 15- and 20-ampere outlets in dwelling unit bedrooms shall be protected by an Arc-Fault Circuit-Interrupter (AFCI).

As a point of information, this section has drawn opposition from the Wichita Area Builders Association since the Board of Electrical Appeals began the review process. WABA representatives appeared before the Board of Electrical Appeals and requested this section be amended and not required within the City of Wichita. Their association feels the AFCI requirement results in higher costs being imposed on the public without definite proof the utilization of these devices will result in an improved product. However, the Board disagreed and voted unanimously to not recommend amending this section out of the NEC. During the March 18, 2003, meeting, City Council agreed with WABA and therefore voted to amend this section and not require the AFCI provisions in the City of Wichita.

There are numerous other changes and revisions that have been made between the 1999 and the 2002 edition of the NEC. Many of the changes or revisions are minor and designed to clarify the intent of the code-making panels, or to make certain that rules conform with other related sections of the Code. However, other sections, revisions and articles are completely new and require persons engaged in electrical design, installation and other related areas to become familiar with the changes.

**Effective April 21, 2003**, all electrical installations within the City of Wichita must conform to the new NEC requirements. Any building or electrical permits issued prior to the effective date (April 21, 2003) will be permitted to have the electrical wiring installed as per the 1999 NEC.

**Wayne L. Bolen, Construction Inspection Supervisor  
Electrical / Elevator**

# Bathroom Exhaust Fans & Required Building Ventilation Air

As many of you are aware, there is some confusion with regard to enforcement of the 2000 International Building and Mechanical Codes. Specifically, the enforcement confusion relates to code requirements for bathroom exhaust fans and required building ventilation air.

Requirements for ventilation air used to be specifically addressed in the Building Codes. Now, they are specifically addressed in the 2000 International Mechanical Code. There are currently some discrepancies regarding these items in the approved local amendments in the 2000 International Residential Code and the adopted 2000 International Mechanical Code.

Due to the confusion on this matter, and because this is an issue that effects consumers as well as the construction industry, the City's Mechanical Board recently voted (on February 27<sup>th</sup>) to form an ADHOC Committee to review and address these issues. Until such time that this is resolved and final proposed amendments/clarifications are disseminated, bath fans may continue to be installed as has been allowed in the past (and as allowed under the current local amendments to the 2000 IRC), residences / dwellings may continue to be ventilated as has been done under previous editions of the Building Code, and residential clothes dryer vents may be installed as previously allowed.

If you are interested in being a part of this committee, contact Dan Leidy or Kurt Schroeder in OCI, or John Moody of Moody Engineering (Chairman of the City's Mechanical Board).

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## *Experior Examinations:*

Please be aware that Experior has changed the way they do exams and the examinations they have available. They no longer offer the Sheet metal Journeyman. There has been some who have desired to take it. We are in the process of pursuing another avenue for these exams or something similar. The 1 & 2 Family at WSU is still available and Journeyman and Master Block are still available. Will have another up and running ASAP. Keep updated through the Cinch and other periodicals.

**Dan Leidy, Construction Inspection Supervisor Plumbing / Mechanical**

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## Exceptions to Setback Requirements

I have received several calls recently about "exceptions" to the minimum setback requirements as set forth in the Wichita-Sedgwick County Unified Zoning Code.

**Setbacks.** Setbacks refer to the unobstructed, unoccupied open space between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section. Setbacks shall be unobstructed from the ground to the sky except as specified in this section.

The zoning code outlines the following setback "exceptions":

**Features allowed within setbacks.** The following structures and features may be located within required setbacks:

- Trees, shrubbery or other features of natural growth;

*cont. on page 5*

# Exceptions to Setback Requirements

*cont. from page 4*

- Fences or walls that do not exceed eight feet in height as measured on the side of the fence with the least vertical exposure above finished grade;
- Driveways, patios and sidewalks;
- Signs, if permitted by applicable sign regulations;
- Bay windows, architectural design embellishments, and cantilevered floor areas of dwellings that do not project more than two feet into the required setback;
- Eaves that do not project more than 2 1/2 feet into the required setback;
- Open outside stairways, decks, entrance hoods, terraces, canopies and balconies that do not project more than five feet into a required front or rear setback nor more than two feet into a required side setback;
- Chimneys, flues and ventilating ducts that do not project more than two feet into a required setback and when placed so as not to obstruct light and ventilation;
- Open, unenclosed porches and carports that do not project more than eight feet into a required front setback nor more than five feet into a required rear setback;
- Utility lines, wires and associated structures, such as power poles;
- Detached unenclosed canopy structures over motor fuel pump islands, drive-throughs, bank aisles, and ATM machines, provided that the supports for the structures and the equipment they cover shall be located at least ten feet from the right-of-way, and provided that no portion of the canopy shall project over the public right-of-way, utility easements, required landscape area, required setback adjoining a residential zoning district, or any adjoining property line. Whenever the equipment ceases to be used for its purpose, the equipment and, all canopies shall be removed within 90 days or prior to conversion of the property to another use, whichever occurs first.
- Window wells not over 8" above grade may project a maximum of 44", including all structural elements.
- Condensing units may be placed within 6 feet of an interior side yard property line when they are located in the front half of the lot. If the condensing unit is located entirely in the rear half of the lot it may be within 3 feet of an interior or side yard property line.

## ADMINISTRATIVE ADJUSTMENTS

The Planning Director, with the concurrence of the Superintendent of Central Inspection, may approve some adjustments to yard, height, coverage, parking and screening requirements of the Zoning Ordinance, provided they are not established by plat or re-plat. Reductions to minimum setback requirements beyond those allowed by administrative adjustment, must be approved by a Board of Zoning Appeals variance.

**Ray Sledge, Construction Inspection Supervisor**



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